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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/871,862	06/01/2001	Juha-Matti Sainio	796.392USW1	1447

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EXAMINER

UBILES, MARIE C

ART UNIT	PAPER NUMBER
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2642

DATE MAILED: 11/20/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/871,862

Applicant(s)

SAINIO, JUHA-MATTI

Examiner

Marie C. Ubiles

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☒ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Specification

1. The abstract is objected to because it appears to be a literal translation into English from a foreign document and is replete with idiomatic errors. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 8, 9-10, 12-13, 15 and 19-22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.

a) On claim 1, line 3, the phrase "which control points", on line 4, the phrase "in which method a service is request is sent", on line 6, the phrase "are set to which a service request", and on line 8, the phrase "addresses set one at a time" were used.

b) On claim 8, the limitation "re-sending of service request is controlled by a limit" was used. The term "limit" renders the limitation too broad.

- c) On claim 9, line 3, the phrase "which control points", on line 3, the phrase "in which method a service is request is sent", and on line 7, the phrase "are set to which a service request" were used.
- d) On claim 10, line 2, the phrase "which congestion information" was used.
- e) On claim 12, line 2, the phrase "which still has free capacity" was used.
- f) On claim 13, line 2, the phrase "which has the least restricting congestion" was used.
- g) On claim 15, line 4, the phrase "it is checked" was used, on line 5, the phrase "it is checked" was used, and on line 6, the phrase "until the result of one of the checks is "true" ". The term "true" renders the limitation too broad.
- h) On claim 19, line 2, the phrase "which control points", on line 4, the phrase "in which network the switching point", and on line 7, the phrase "are stored to which a service request" were used.
- i) On claim 20, line 3, the phrase "which control points", on line 4, the phrase "in which network the switching point", and on line 7, the phrase "to which a service request" were used.
- j) On claim 21, line 2, the phrase "which control points", on line 4, the phrase "in which network the switching point", and on line 8, the phrase "are stored to which a service request" were used.
- k) On claim 22, line 3, the phrase "which control points", on line 4, the phrase "in which network the switching point", and on line 8, the phrase "to which a service request" were used.

The examiner requests the applicant to clarify the information stated above.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Bell et al. (US 6,115,383).

As for claim 1, Bell et al. disclose a method of initiating services in a telecommunications network (See Summary of the Invention, Col. 1, lines 47-49) including at least one switching point (12 SSP, See Figure 1) and at least two control points (16 SCP1-SCPn, See Figure 1) for controlling services (See Detailed Description

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of the Preferred Embodiments, Col. 2, lines 34-38), the control points each have a unique address (based on *Global Title Translation - GTT*) (See Detailed Description of the Preferred Embodiments, Col. 3, lines 4-7), a service request (or *message*) is sent by the switching point to the control point (See Detailed Description of the Preferred Embodiments, Col. 2, lines 29-38) in order to initiate a service (See Detailed Description of the Preferred Embodiments, Col. 2, lines 43-47), the method comprising at least two set control point addresses (or *processing nodes*) (based on *GTT*) where a service request (or *message*) can be sent (See Detailed Description of the Preferred Embodiments, Col. 3, lines 8-10), and a service request (or *message*) is sent to the set service control point addresses one at a time (or *sequentially*) (See Detailed Description of the Preferred Embodiments, Col. 3, lines 56-57), until the service is initiated at one of the addresses (See Detailed Description of the Preferred Embodiments, Col. 3, lines 57-58).

As for claim 2, Bell et al. discloses the method as claimed, wherein the service request (or *message*) is sent to one address (or *processing nodes*) (See Detailed Description of the Preferred Embodiments, Col. 3, lines 56-58) and when this address does not initiate the service, the service request is sent to another address until the service is initiated at one of the addresses (See Detailed Description of the Preferred Embodiments, Col. 3, lines 48-51).

As for claim 3 and 14, Bell et al. discloses the method as claimed, wherein at least one control point (16 SCP1-SCPn, See Figure 1) provides the switching point (12 SSP, See Figure 1) with congestion (or $z = \text{total percentage of traffic load to be added to}$

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a particular available processing node) information, the service request is sent to one address selected on the basis of the congestion information, and when this address does not initiate the service, the service request is sent to another address selected on the basis of congestion information, until the service is initiated at one of the addresses. (See Detailed Description of the Preferred Embodiments, Col. 4, lines 17-56 and Col. 2, lines 47-51).

As for claim 4, it is inherent that Bell et al. telecommunications network is an intelligent network (as the disclosed network comprises SSPs, SCPs and STPs) and thus the addresses are set in the trigger data of IN-services.

As for claim 5, Bell et al. discloses the method as claimed, wherein a priority indication (or *destination group table SS1*) is attached to the set address (See Detailed Description of the Preferred Embodiments, Col. 6, lines 53-56) and another address is selected on basis of priority indication (Detailed Description of the Preferred Embodiments, Col. 6, lines 56-61).

As for claims 6-7, Bell et al. discloses the method as claimed, the service request is sent to another address when the previous address does not respond or refuses to initiate the service (See Detailed Description of the Preferred Embodiments, Col. 3, lines 11-15).

As for claim 8, the broadly claimed "limit" for control the re-sending of the service request reads on the formula to determine the additional percent of service requests (or *message load*) that is to be added to a particular available processing node, as disclosed by Bell et al.

As for claims 10-13 and 15, Bell et al. discloses the method as claimed, wherein the congestion information (or *z= total percentage of traffic load to be added to a particular available processing node*) is sent by at least one control point (See Table 1, SCP 1), and the congestion information restricts the rate at which service requests are sent to this control point (See Detailed Description of the Preferred Embodiments, Col. 4, lines 17-53), the congestion information sent by the switching point to the control point (See Detailed Description of the Preferred Embodiments, Col. 4, lines 51-56), the address that still has free capacity according to the congestion information is selected or has the least restricting information is selected (See Detailed Description of the Preferred Embodiments, Col. 3, lines 56-65), and wherein a maximum number of initiation attempts (or *failure counter/destination group counter*) is set to check whether the service is initiated at the latest address and to check if the maximum number of initiation attempts is reached (See Detailed Description of the Preferred Embodiment, Col. 5, lines 58-67), and the service request is sent another address selected on the basis of the congestion information (See Detailed Description of the Preferred Embodiments, Col. 4, lines 17-56 and Col. 2, lines 47-51).

Claims 9 and 16-22 are rejected for the same reasons as claims 1-8.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Moharram (US 5,825,860) discloses "... an intelligent telecommunications network having a plurality of service control points (SCPs) forming

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a load sharing group, a method for managing traffic consisting of queries to the load sharing group, comprising the steps of: maintaining respective controls lists for the plurality of SCPs, each controls list identifies controls which are active at the corresponding SCP; sending a query intended for the load sharing group to a mediation point (MP); and selecting, by the MP which has access to the respective controls lists, a particular SCP of the plurality of SCPs for which the controls list of the particular SCP does not identify a control relating to the query as being active; and sending, from the MP, the query to the particular SCP. (See Claim 1, Col. 10, lines 28-43).

Moharram (US 6,473,402) discloses "A load sharing group as claimed in claim 5, wherein the subsystem congestion message and the subsystem available message each includes an originating SCP address, a destination SCP address, and one or more levels of congestion. (See Claim 6, Col. 12, lines 34-37).

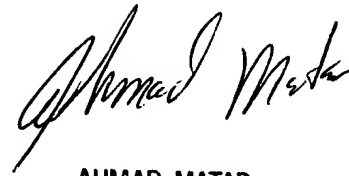
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marie C. Ubiles whose telephone number is (703) 305-0684. The examiner can normally be reached on 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on (703) 305-4731. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-7201.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Marie C. Ubiles
November 5, 2003

A handwritten signature in black ink, appearing to read "Ahmad Matar", written in a cursive style.

AHMAD MATAR
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